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SENATE

{ REPORT
No. 48

MRS. JUAN ANTONIO RIVERA, MRS. RAUL VALLE ANTELO, MRS. JORGE DIAZ ROMERO, MRS. OTTO RESSE, AND MRS. HUGO SORIA

JANUARY 29, 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 214]

The Committee on the Judiciary, to which was referred the bill (S. 214) for the relief of Mrs. Juan Antonio Rivera, Mrs. Raul Valle Antelo, Mrs. Jorge Diaz Romero, Mrs. Otto Resse, and Mrs. Hugo Soria, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to authorize the payment of the sum of \$7,500 to Mrs. Juan Antonio Rivera, of La Paz, Bolivia, widow of Col. Juan Antonio Rivera, the sum of \$7,500 to Mrs. Raul Valle Antelo, of La Paz, Bolivia, widow of Maj. Raul Valle Antelo; the sum of \$7,500 to Mrs. Jorge Diaz Romero, of La Paz, Bolivia, widow of Maj. Jorge Diaz Romero; the sum of \$7,500 to Mrs. Otto Resse, of La Paz, Bolivia, widow of Maj. Otto Resse; and the sum of \$7,500 to Mrs. Hugo Soria, of La Paz, Bolivia, widow of Maj. Hugo Soria. Such sums would be in full settlement of all claims against the United States on account of the deaths of Col. Juan Antonio Rivera, Maj. Raul Valle Antelo, Maj. Jorge Diaz Romero, Maj. Otto Resse, and Maj. Hugo Soria, who were killed as the result of an accident in which a C-54 transport plane of the United States Air Force crashed in the Pacific Ocean approximately 1 mile off the Peruvian coast near the town of San Juan, Peru, on September 19, 1947.

STATEMENT

A similar bill (H. R. 5051) passed the Senate in the Eighty-first Congress too late for concurrence by the House in certain Senate amendments.

The deceased officers met their death while traveling as guests of the United States Air Force under the provisions of a congressionally approved orientation program. Ordinarily, death compensation for an accident such as this could be paid by the Department of the Air Force administratively, under the provisions of the Foreign Claims Act, but that act does not apply in this case in that the decedents were not inhabitants of the country in which the accident occurred.

The committee has learned that the widows of these officers have not received any indemnities from their own Government, but that each widow receives a pension for life of the same amount that her husband would have received had he retired as of the date of his death. These pensions equal about \$35 per month in United States currency.

Attached hereto and made a part of this report is a letter received in connection with the above referred to bill of the Eighty-first Congress, as well as a copy of a letter dated December 21, 1950, from the Department of the Air Force relative to the pensions being paid these widows.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, May 28, 1949.

Hon. MILLARD E. TYDINGS,

Chairman, Committee on Armed Services, United States Senate.

DEAR MR. CHAIRMAN: There is enclosed a draft of a bill which the Department of the Air Force recommends be enacted into law.

The purpose of the proposed bill is to authorize the payment of the sum of \$10,000 to Mrs. Juan Antonio Rivera, of La Paz, Bolivia, widow of Col. Juan Antonio Rivera; the sum of \$10,000 to Mrs. Raul Valle Antelo, of La Paz, Bolivia, widow of Maj. Raul Valle Antelo; the sum of \$10,000 to Mrs. Jorge Diaz Romero, of La Paz, Bolivia, widow of Maj. Jorge Diaz Romero; the sum of \$10,000 to Mrs. Otto Resse, of La Paz, Bolivia, widow of Maj. Otto Resse; and the sum of \$10,000 to Mrs. Hugo Soria, of La Paz, Bolivia, widow of Maj. Hugo Soria. Such sums are in full settlement of all claims against the United States on account of the deaths of Col. Juan Antonio Rivera, Maj. Raul Valle Antelo, Maj. Jorge Diaz Romero, Maj. Otto Resse, and Maj. Hugo Soria, who were killed as the result of an accident in which a C-54 transport plane of the United States Air Force crashed in the Pacific Ocean approximately 1 mile off the Peruvian coast near the town of San Juan, Peru, on September 19, 1947.

The deceased officers were members of the Bolivian Air Force. Colonel Rivera was Chief of the Bolivian Air Force.

The United States Air Force invited the deceased officers to visit the United States under the provisions of a congressionally approved orientation program. The aim of this program is to promote and maintain friendly relations with the other American countries.

Payment of damages to the dependents of these officers could not be made under the provisions of the Foreign Claims Act (55 Stat. 880), as amended, for the reason that the decedents were not inhabitants of the country in which the accident occurred. These cases do not come within the provisions of the Federal Tort Claims Act, as revised and codified in the act of June 25, 1948 (62 Stat. 983; 28 U. S. C. 2672), because that act specifically provides that it shall be inapplicable to claims arising in a foreign country.

At the time of his death Colonel Rivera was 46 years of age. He left a widow and two minor children. Major Resse was 32 years of age and left a widow and no children. Major Valle was 28 years of age and left a widow and two minor children. Major Soria was 35 years of age and left a widow and one minor child. Major Diaz was 37 years of age and left a widow and two minor children.

In view of the fact that these officers had been invited as guests of the United States under the provisions of a congressionally approved orientation program and lost their lives while traveling in an Air Force plane as special guests of our Government, it is believed that there is a moral basis to justify legislative action which might alleviate the financial distress of their widows and dependents.

The fiscal effect of the enactment of this proposed bill is manifest, in that the sum of \$50,000 would be paid to the widows and dependents of the deceased Bolivian Air Force officers.

The Bureau of the Budget advises that there is no objection to the submission of the proposed bill for the consideration of the Congress.

Sincerely,

EUGENE M. ZUCKERT.
(For W. Stuart Symington).

DEPARTMENT OF THE AIR FORCE,
Washington, December 21, 1950.

Mr. J. CARLISLE RUDDY,
Senate Judiciary Committee.

DEAR MR. RUDDY: I refer to your recent telephone request as to whether the Government of Bolivia has paid any indemnity to the widows of five Bolivian officers who were killed in the crash of an Air Force C-54 transport plane near San Juan, Peru, on September 19, 1947.

The following message has been received from the United States air attaché in La Paz, Bolivia:

"Ministry Defense states no indemnity has been paid to five widows Bolivian Air Force officers killed in crash USAF C-54, September 19, 1947, near San Juan, Peru. By Bolivian army regulations each widow receives pension for life of same amount according to rank of husband at time of death as if he retired at that date. Paid amounts per month are Señora Rivera, 7,000 bolivianos; Señoras Raul Valle, Diaz Romero, Otto Reese, and Hugo Soria, 6,000 each. Paid parallel exchange rate, 180 bolivianos for \$1

"BURNS."

Sincerely yours,

K. S. AXTATER,
Colonel, USAF, Deputy Director,
Legislation and Liaison.

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